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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,409	09/29/2003	Harry Davallou	004	2408
7590	09/08/2005		EXAMINER	
Harry H Davallou PO Box 2431 La Jolla, CA 92038			CHIN, RANDALL E	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/605,409

Applicant(s)

DAVALLOU, HARRY

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09292003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. It should be noted that the listing of references in the Petition filed 4/27/2005 is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

In paragraph [0002], it appears "4,918,777" should be --4,918,779--.

In paragraph [0002], it appears "4,918,377" should be --4,918,779--.

In paragraph [0003], it appears "6,594,636" should be --6,584,636--.

In paragraph [0015], consistent terminology should be used with respect to "front and bottom support linkages 2, 3" to avoid confusion.

In paragraph [0016], "have attached pins 25" should read --has attached pins 25--.

In paragraph [0016], ""grooves 25" should read --grooves 24--.

In paragraph [0016], "cause the container tube rotate back to a position" is awkwardly written.

In paragraph [0018], it appears "front support linkage 2" should read --front support linkage 3--.

In paragraph [0018], it appears “rear support linkage 3” should read –back support linkage 4--.

In paragraph [0019], there are **two redundant recitations** as follows: “The fluid passes from the container tube 1 onto scrubbing cords 13 out of outlet orifices 14 that are positioned along the side of the container tube 1”.

In paragraph [0020], “composed porous” should read –composed of porous--.

In paragraph [0021], it appears “fasten irregular shaped holes” should read –fasten to irregular shaped holes--.

In paragraph [0021], the recitation “are increasing positioned lower along...” is awkwardly written. Also, the phrase “enables the all spaces” is awkwardly written.

In paragraph [0021], the recitation of the positioning of the irregular shaped holes 20 (i.e., higher up, increasingly positioned lower) appears backwards of the arrangement of holes 20 as shown in Fig. 1.

In paragraph [0022], “retained the container” should read –retained in the container--.

In paragraph [0023], “an support” should read –a support--.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 1-4, 6, 8, 9, 12, 13 and 15-22 are objected to because of the following informalities:

The claims are replete with grammatical errors and Applicant's cooperation is respectfully requested in reviewing all claims for such objections and to clarify all such errors. **Only a few examples will be given:**

Claim 1, part d), "an support" should read –a support--.

Claim 1, part e), "said scrubbing sheets" lack proper antecedent basis.

Claim 1, part , "scrubbing surfaces" should be positively recited for clarity.

Claim 1, part j) is basically redundant of part i. Also, before "connectors", insert –said--.

Claims 2 and 3 make the scope of the claims unclear.

Claim 4, lines 1-2, "having" should read –have--.

Claim 6 is grammatically improper and should be clarified.

Claim 8, "said front sides" lack antecedent basis.

Claim 9, "said rear sides" lack antecedent basis.

Claim 12 is awkwardly written.

Claim 13, "said inclined planar support" lacks proper antecedent basis.

Claim 15, "said section" should read –said second--.

Also, the scope of claim 15 appears backwards of that shown in Fig. 1 for the bottom horizontal linkage.

Claims 16, 17, 20, 21 and 22, line 2, "consisting" should read –consists--.

Claim 18 is awkwardly written.

Claim 19, "the left sheet" and "the right sheet" lack proper antecedent basis.

Appropriate correction is required.

***Allowable Subject Matter***

4. Claims 1-22 contain allowable subject matter.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Medearis, Hogan, Sr., and Andrews are relevant to various washing arrangements.

6. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin  
Primary Examiner  
Art Unit 1744